

UNITED STATES DISTRICT COURT

for the
Eastern District of North Carolina

FILED

NOV 04 2013

United States of America
v.
BASIT JAVED SHEIKH

Case No.

5:13-MJ-1999

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2, 2013 in the county of Wake in the
Eastern District of North Carolina, the defendant(s) violated:

Code Section
18 U.S.C. 2339B

Offense Description
Providing Material Support to a Designated Foreign Terrorist Organization

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



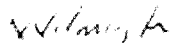
Complainant's signature

SA Jason Maslow, FBI

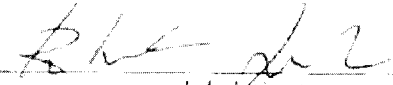
Printed name and title

Sworn to before me and signed in my presence.

Date: November 2, 2013



City and state: Raleigh, North Carolina



Judge's signature

ROBERT JONES, Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

I, Jason Maslow, being duly sworn, depose and say:

1. I have been a Special Agent of the Federal Bureau of Investigation (FBI) since August 2008. During that time, I have conducted investigations in counter-terrorism cases in the United States and overseas. I have received training in criminal enterprise, conducting criminal and intelligence investigations, conducting searches and seizures, and effecting criminal arrests.
2. I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on conversations with other law enforcement officers who have engaged in this counter-terrorism investigation.
3. Based on the foregoing, the affiant believes that there is probable cause supporting the assertion that BASIT JAVED SHEIKH has committed a federal offense under 18 U.S.C. Section 2339B (Attempting to Provide Material Support Or Resources to a Designated Foreign Terrorist Organization). This section states that a violation occurs if an individual "knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so..." To violate §2339B, the individual must have knowledge that the organization is a designated terrorist organization...that the organization has engaged or engaged in terrorist activity...or that the organization has engaged or engages in terrorism..." The statute additionally provides reference to 18 U.S.C. §2339A for the definition of "material support or resources" which includes amongst other things "personnel (1 or more individuals who may be or include oneself."

BACKGROUND REGARDING COMPUTERS, THE INTERNET, AND E-MAIL

4. The term "computer" as used herein is defined by Title 18, United States Code, Section 1030(e)(1), and includes any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.
5. I have had both training and experience in the investigation of computer-related crimes. Based on my training, experience and knowledge, I know the following:

- a. The internet is a worldwide network of computer systems operated by governmental entities, corporations, and universities. To access the Internet, an individual computer user must subscribe to an access provider, which operates a host computer system with direct access to the internet. The world wide web ("www") is a functionality of the internet which allows users of the internet to share information;

- b. With a computer connected to the internet, an individual computer user can make electronic contact with millions of computers around the world. This connection can be made by any number of means, including modem, local area network, wireless, and numerous other methods; and

- c. E-mail is a popular form of transmitting messages and/or files in an electronic environment between computer users. When an individual computer user sends e-mail, it is initiated at the user's computer, transmitted to the subscriber's mail server, then transmitted to its final destination. A server is a computer that is attached to a dedicated network and serves many users. An e-mail server may allow users to post and read messages and to communicate via electronic means. Companies that provide E-mail services include, but are not limited to: Google gmail, Yahoo!, Microsoft hotmail, Microsoft Live, and other internet service provider specific accounts like aol (America Online) or Time Warner Cable.

d. An Internet Protocol (IP) address is a numerical label assigned to a device or computer by an Internet Service Provider (ISP) when that device connects to the internet. IP addresses are assigned to a user either anew at the time of connecting to the internet or permanently by fixed configuration. Permanent configuration is known as using a static IP address. In contrast, when the computer's IP addresses is assigned newly for each connection with the internet, this is known as a dynamic IP address. There are various ISP's available depending on where a user lives. These ISP's host a block of IP addresses that are distributed out to users when the users connect into the internet. ISP's maintain historical data on IP addresses used by their subscribers. These IP addresses, in combination with their date and time of connection with the internet, can then be traced by the ISP back to a specific subscriber.

FACEBOOK

6. Facebook is a social utility that connects people with friends and others around the world who also have access to the Internet. Facebook provides free web based Internet "pages" to the general public and is based in Palo Alto, California. Facebook subscribers register online at www.facebook.com and provide basic identifying information that Facebook does not verify. Facebook subscribers may access their accounts or "pages" on servers maintained by Facebook from any computer connected to the Internet located anywhere in the world. Facebook allows the subscriber to personalize their "page" and upload an unlimited amount of photographs, share weblinks and videos, add other subscribers as friends, and post messages directly from one "page" to another "page." Facebook also allows users to engage in private messaging sessions with others users, but only by typing, no live audio or video communication is possible. Facebook maintains electronic records which include account subscriber information, account access or login information with corresponding IP addresses for a specific date and time, and other transactional information.

SKYPE

7. Skype is a free voice-over-IP (VOIP) service and instant messaging client. Skype allows users to communicate with other Skype users by voice by using a microphone, by video by using a webcam, and/or by chat sessions by typing messages from their keyboard. These features can be used simultaneously or independently of each other. Phone calls may also be placed to recipients on the traditional telephone networks. Calls to other users within the Skype service are free of charge, while calls to landline telephones and mobile phones are charged to a user account system. Skype also has capabilities of file transfers between users and videoconferencing. Registered users of Skype are identified by a unique Skype name and may be listed in a Skype directory.

PROBABLE CAUSE

Al-Nusrah is a Designated Foreign Terrorist Organization

8. According to the United States Department of State (DOS), since November 2011, the terrorist group known as the "al-Nusrah Front" has claimed nearly 600 attacks - ranging from more than 40 suicide attacks to small arms and improvised explosive device operations - in major city centers including Damascus, Aleppo, Hamah, Dara, Homs, Idlib, and Dayr al-Zawr. During these attacks numerous innocent Syrians have been killed. The leader of al-Qa'ida in Iraq (AQI) has publicly affirmed AQI's affiliation with al-Nusrah.
9. AQI and al-Nusrah hold to an ideological Islamic extremist view which seeks to establish an Islamic state through violence. This ideology proclaims that those who do not also adhere to it are then in opposition to it, that non-Muslims are therefore enemies of Islam, and that any Muslim who does not abide by this extremist view is a hypocrite. Such Muslims are therefore deemed enemies who may justifiably be killed.
10. On 10/15/2004, the DOS designated as a Foreign Terrorist Organization (FTO).

11. On 12/11/2012, DOS issued a press release entitled *Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa'ida in Iraq* in which DOS recognized that it had amended the FTO designation of AQI to include the following new aliases: al-Nusrah Front, Jabhat al-Nusrah, Jabhet al-Nusra, The Victory Front, and Al-Nusrah Front for the People of the Levant.
12. The designation of al-Nusrah Front as an alias of AQI has had the consequence of an immediate prohibition of knowingly providing, or attempting or conspiring to provide, material support or resources to, or engaging in transactions with, al-Nusrah Front, and the freezing of all property and interests in property of the organization that are in the United States, or that come within the United States or the control of U.S. persons.

BASIT JAVED SHEIKH is the user of Facebook page "Abdul Basit"

13. BASIT JAVED SHEIKH (hereinafter (BASIT)) is a 29 year old male. He is originally from Pakistan and is currently a legal permanent resident of the United States. Between approximately August 2008 and the present, he has resided in Cary, North Carolina. Based on evidence your Affiant has reviewed, BASIT is a frequent Facebook user and is the user of Facebook page "Abdul Basit" and "Abdul Basit II."
14. Evidence has revealed that at least seven "Abdul Basit" Facebook pages have been created and used from January 2013 through the present. Posts made on the "Abdul Basit" Facebook page by BASIT have indicated that several of these Facebook pages have been shut down by Facebook due to the content being in violation of Facebook's standards. Each re-creation of the Facebook page "Abdul Basit" received a new user identification number. Facebook records, in conjunction with other evidence, strongly indicates that while a separate email address was used in each instance to recreate the Facebook page "Abdul Basit," the user has remained BASIT.
15. The Facebook records display that Facebook page "Abdul Basit" received user identification number 100005213474642 on 2/17/2013. The FBI was aware that BASIT operated this Facebook page between sometime in April of 2013 until 5/6/2013. The phone number listed for this Facebook account

was 919-274-1231. Telephone Provider AT&T records list "Basit Sheikh", address 300 Swansboro Drive, Cary, NC, 27519, as the subscriber to this telephone number. Moreover, according to the Facebook records, an IP login address used for this account on 5/5/2013 was 174.97.198.92. Records from Time Warner Cable lists this IP address from 5/5/2013 as being used by subscriber "Basit Sheikh" with an address of 300 Swansboro Drive, Cary, NC, 27519. A review of records maintained by the NC Department of Motor Vehicle, discloses that "Basit Sheikh" has listed this as his home address. Law enforcement surveillance has observed BASIT at this residence.

16. Between 5/7/13 and 5/31/13, the FBI is aware that Facebook page "Abdul Basit" with user number 100005110264666 was in existence. Facebook records display this account was created on 1/22/2013. The subscriber is listed as "Abdul Basit" and the IP address logins continue to resolve to IP addresses owned by Time Warner Cable in Cary, NC.
17. Between 6/1/13 and 7/9/13, the FBI is aware that Facebook page "Abdul Basit" with user number 100006008290165 was in existence. Facebook records display this account was created on 5/31/2013. The subscriber is listed as "Abdul Basit" and once again, there are IP address logins which continue to resolve to IP addresses owned by Time Warner Cable in Cary, NC. On the Facebook page itself, "Abdul Basit" describes himself as living in Cary, North Carolina and as being originally from Victoria, Seychelles. Review of the Immigration Alien File related to BASIT displays that BASIT stated that he lived in the country of Seychelles from March 1992 through December 2000.
18. Between 7/11/13 and 7/17/13, the FBI is aware that Facebook page "Abdul Basit" with user number 100006304244421 was in existence. Facebook records display this account was created on 7/11/2013. The subscriber is listed as "Abdul Basit" and the majority of the IP address logins continued to resolve to IP address 174.97.194.221, which is owned by Time Warner Cable in Cary, NC. Moreover, according to the Facebook records, an IP login address used for this account on 7/17/2013 was 174.97.194.221. Records from Time Warner Cable

list this IP address from 7/17/2013 as being used by subscriber "Basit Sheikh" with an address of 300 Swansboro Drive, Cary, NC, 27519.

19. Between 7/18/13 and 8/9/13, the FBI is aware that Facebook page "Abdul Basit" with user number 100006416551352 was in existence. "Abdul Basit" posted that he studied at Western Kentucky University, lived in Cary, North Carolina, and was from Victoria, Seychelles.
20. Between 8/12/13 and 10/3/13, the FBI is aware that Facebook page "Abdul Basit" with user number 10006509017647 was in existence. Facebook records display this account was created on 8/10/2013. The subscriber is listed as "Abdul Basit" and the IP address and an IP login address used for this account on 8/12/2013 was 174.97.194.221. Records from Time Warner Cable list this IP address from 8/12/2013 as being used by subscriber "Basit Sheikh" with an address of 300 Swansboro Drive, Cary, NC, 27519.
21. On 9/8/13, Facebook page "Abdul Basit" with user number 100006509017647 contained a public posting stating that the user was in the process of transitioning to a new Facebook page. This posting included a link to the new FACEBOOK page, named "Abdul Basit II," which indicated that the new FACEBOOK account number was 100006522373802. On 9/9/2013, the user of the newly created Facebook page "Abdul Basit II" publicly posted that he lived in Cary, NC. Review of the publicly available Facebook account "Abdul Basit II" displayed that the "friends" connections for this account were largely identical to the "friends" connections for the Facebook page "Abdul Basit" (user number 100006509017647) noted above. Additionally, on 10/8/13, Facebook page "Abdul Basit II" (user number 100006522373802) was converted by the user to simply "Abdul Basit" and has remained in existence till the writing of this affidavit.
22. Facebook records display that "Abdul Basit II" with user identification number 100006522373802 was created on 8/26/2013. The subscriber is listed as "Abdul Basit" and the IP login address used for this account on 9/17/2013 was 107.15.140.240. Records from Time Warner Cable list this IP address from 9/17/2013 as being used by subscriber "Basit

Sheikh" with an address of 300 Swansboro Drive, Cary, NC, 27519

23. Your affiant is unaware of any evidence indicating that any individual other than BASIT JAVED SHEIKH has been the user for the aforementioned Facebook pages "Abdul Basit" or "Abdul Basit II." Within a number of these "Abdul Basit" Facebook accounts, BASIT has posted pictures of himself.

April - August of 2013: Facebook activity by BASIT

24. On 04/08/2013, Facebook page Abdul Basit contained a recently added friend's list. Among the friends on this list was the Facebook page "Jabhat Al Nusrah." A subsequent review of Facebook page "Jabhat Al Nusrah" at a later date revealed that this page was no longer in existence.
25. On 06/07/2013, BASIT, as the user of Facebook page "Abdul Basit," posted a picture of a man holding a machine gun with chain linked ammunition draped over his shoulders. The inscription across the photograph read "Many are those who have chosen to live in order to die, but I have chosen to die in order to live," with the listed author of the statement as "Ash Shaheed Abdul Wahhab." Your affiant is aware that Ash Shaheed Abdul Wahhab is a reference to a historical figure; an Arabian Islamic scholar Abdul Wahhab who helped to establish the first Saudi state. Additionally, Ash Shaheed is reference to the fact that he died a martyr. In reference to the posted photograph, BASIT typed the following: "What is wrong with you Muslims, # You label your own Mujhaid [sic] brothers as takfiri's?" Your affiant is aware that mujahideen refers to a person who wages jihad or fights for Islam; variations include mujahideen, mujahedeen, mujahidin, mujahid. The term takfiri is the declaration that a Muslim is found to be an infidel or apostate or used by a Muslim who accuses another Muslim of being an apostate.
26. On 06/11/2013, BASIT re-posted a photograph taken from another Facebook user. This photograph was of a letter written in a foreign language. Above the photograph, BASIT typed, "Sheikh Ayman al-Zawahiri's orders the annulment of the Islamic State of Iraq and al-Shaam that al-Baghdadi declared and specifies the jurisdiction of the Islamic State

of Iraq to be Iraq and of Jabhat al-Nusrah to be Syria." Your affiant is aware that Sheikh Ayman Al-Zawahiri is a well known leader of Al Qaeda.

27. On 06/12/2013, two internet links were posted by BASIT. The first link was for an article entitled "Jordan jails three for trying to join Syria jihadists." The second link while titled partially in a foreign language also contained the following in English: "Rejoice Oh Aleppo, Jabhat Al Nusra Jihad in Syria." The related video link displayed *mujahideen* planning a military style attack. These fighters were looking at small models of vehicles and buildings on the ground. The fighters then left carrying rocket launchers and a firefight with explosions is observed. Afterwards, the body of a dead man with a bloody face was shown on the ground. The fighters were then shown in control of military vehicles and a large amount of weapons and ammunition.
28. On 06/25/2013, another video link was posted by BASIT. This video was titled "Execution of 10 Assadi by the mujahid of Jabhat Al-Nusra." BASIT typed the following above the video: "# Qisas. # The Punishment of those Who cause Mischief in the land." Your Affiant is aware that Qisas is an Arabic word used in reference to Islamic Jurisprudence and means "equal retaliation." Your Affiant believes that the statement "10 Assadi" refers to 10 soldiers fighting with the Syrian Regime under President Bashar al-Assad against Jabhat al-Nusra. The video itself displayed a desert setting with 10 individuals on their knees, blindfolded, with bound hands. Behind the 10 individuals are three persons with their faces concealed by head wraps. Two of these persons are each waving a black flag with Arabic writing on them in white. Your affiant is aware that violent Islamic extremists have appropriated such a flag as emblematic of their cause. This black flag is generally inscribed in white with the *shahada* (an Islamic creed meaning "There is but one God and Muhammad is his messenger.") This flag is commonly known as the black flag of jihad. The third person then used a pistol to shoot each of the bound individuals in the head. These three appear to be yelling "Allah Akbar" and "Takfiri" as each of the 10 bound individuals is killed. The affiant knows that Allah Akbar is an Arabic phrase meaning God is the Greatest or God

is Great. The term takfir is the declaration that a Muslim is found to be an infidel or apostate or used by a Muslim who accuses another Muslim of being an apostate. Based on these statements it appears that these individuals were killed as a result of being both soldiers attached to the Assad regime as well as Muslims considered by al-Nusrah to be apostates.

29. On 7/5/13, BASIT posted a link to a propaganda style video. The video includes an 11/15/2001 interview with the well known Taliban leader at the time, Mullah Mohammad Omar. During this video, Omar advocates for the destruction of America. The video also includes depictions of U.S. soldiers and subtitles challenging Americans to come fight.
30. On 07/17/2013, BASIT posted a link to a YouTube video titled in a foreign language. BASIT typed the following above the video: "Mujahid Abu Bakr al-Qahtani invites Muslims to Jihaad in Syria (from all over the world)." The Affiant knows that Abu bakr al-Qahtani is a known proponent of the Islamic State of Iraq and al-Sham (Syria).
31. On 07/24/2013, BASIT posted a link with a photograph of a person dressed in the traditional women's Islamic clothing (commonly known as a burka), which covers the entire body except for the eyes. This person was holding and aiming a rifle. The title stated, "How British women are joining the jihad in Syria." Below the photograph, BASIT typed the Arabic phrase "Allahu Akbar !!!!!" Your affiant knows this to mean God is great.
32. On the same day, BASIT posted two additional items. Both addressed the topic of Syria becoming a center for "global jihad." The first post contained a photograph of a masked man holding a rifle and included a link to an article addressing the fact that the "war-torn country is attracting thousands of Muslim extremists." Similarly, the second post contained a photograph of two men, one of whom is masked and holding a weapon. The title to the second posted link stated, "Fighters of the jihadist group Al-Nusra Front stand on top of a pick-up mounted with a machine gun."
33. On 07/25/2013, BASIT posted a photograph depicting a white male holding a sniper rifle and wearing a bandana with Arabic

writing on it. Above the photograph, BASIT typed "Syria Mujahideen from nearly every country around the world." On this date, BASIT also re-posted a photograph from another Facebook page that had a picture of a man holding a rifle; the inscription on the photograph read "A win-win situation, either victory or martyrdom" to which BASIT posted "Our win win situation ☺."

34. On 07/26/2013, BASIT posted two additional items. The first included a photograph that BASIT reposted from another Facebook page; it depicted a room full of firearms, ammunition, and military equipment as well as several flags on the wall. One of the flags is the black flag of jihad. Above the photograph, BASIT typed, "This picture is an example of the [sic] how united the different groups of Mujahideen are in Syria - contrary to the kufaar propaganda. They work and plan together and respect each other's leadership. Do not believe kufr news about our Mujahideen ever!!!!" The second item was a link BASIT reposted from another Facebook page. This included link to a video. The title is in a foreign language, but a still of the video is present and displays a man aiming a rifle. In reference to this re-post, BASIT typed, "Mujahideen united and Jabhat Al-Nusrah taking the lead in Sukhna. Allahu Akbar!" Your affiant is aware that Sukhna is a town in Syria. The affiant knows that kufr means a non-Muslim or an unbeliever or disbeliever or infidel; variations include kufaar, kufr, kuffar.

35. On 07/29/2013, BASIT re-posted a photograph from another Facebook page displaying a map of the middle-east which included additional items. Iraq and Syria are covered with the black flag commonly associated with violent Islamic extremists and additional black flags of jihad are displayed as surrounding Israel. Additionally, the bottom portion of the map contains a depiction of a masked man holding a rifle and the black flag of jihad. BASIT typed the following above this photograph "ALLAHUAKBAR!!! Muantab!!! Islamic State of Iraq and Sham". Your affiant was unable to determine the meaning of the word Muantab and believes that the word may have been misspelled.

36. On the same day, BASIT posted a link with the title, "Foreign Fighters Flocking to Syria Stirs Terror Concerns." Above the post, Basit typed "# Yes we will return Home...# Not alone...#With an army to free our imprisoned [sic] brother's & Sisters..." and "The U.S. and European Union are seeing an increasing number of radicalized young Muslims going to Syria to fight, a development that raises the danger that they will return to conduct terrorist attacks at home."
37. On 08/06/13, another propaganda video was present on the facebook page "Abdul Basit." This video begins with a purported disclaimer: "None of the clips and images used on this video is intended for members of the public to be directly or indirectly encouraged or otherwise induced by the statements to commit, prepare or instigate acts of terrorism or Convention offenses." Nonetheless, the video then proceeds to display a variety of images to include President Barack Obama and U.S. soldiers. The audio is an impassioned speech in English with English subtitles. A portion of this speech is as follows: "Let their blood run in the streets of Falujah (city in Iraq), Let their blood run in the mountains of Afghanistan, Let the Mujahideen kill them and destroy them one after the other, Allah give victory to the Mujahideen is what you want to ask, Allah give victory to Shaykh Usama (Rahimahullah) is what you want to ask..." Your affiant believes that "shaykh Usama" is a reference to Usama bin Laden who is depicted during the portion of the speech with such reference. The affiant knows that *Rahimahullah* is a phrase meaning, "Allah have mercy on him", often used to show respect for deceased.
38. On 08/09/2013, BASIT re-posted a statement made by another Facebook user that read, "Before anybody says im [sic] causing fitnah I want to make it clear I have got nothing against the FSA, they are our brothers in religion and I will make dua for them always, but one thing that really gets me ticked off is when Jabhat Al-Nusrah, Islamic State of Iraq and Ash-Shaam, Ahrar Al-Shaam and other Islamic Brigade victories are attributed to the FSA." To this, BASIT responded, "Finally, the truth is coming out. Our Mujahideen are not FSA. FSA is America's chosen partner in Syria. Jabhat AL-Nusrah, ISIS, Ahrar Al-Sham, SIF, Liwa Al-Islam,

Liwa Al-Tawheed and the many other groups are our Mujahideen. May Allah protect them all and bring us victory soon amen!" The affiant is aware that fitna is an Arabic phrase meaning, "causing problems between people" or "attempting to create situations that test one's faith".

39. On 08/12/2013, BASIT posted a YouTube video with the description, "Nasheed 'An Nasru Tawala' (Victory has become successive) With English translation. Jabhat Al Nusra Mujahideen Training." The affiant knows that a *nasheed* is an Islamic chant or vocal music containing material and lyrics that make reference to Islam and Islamic beliefs. The video itself depicts non-uniformed individuals with head wraps hiding their faces and engaging in military style training. The video contains audio of chanting in a foreign language with accompanying English subtitles. After reviewing the subtitles, your Affiant is aware that the video involves praise for the depicted *mujahideen* who sacrifice to protect the religion of Islam.
40. On 08/14/13, Another propaganda style video was located on BASIT's Facebook page. The video begins with the black flag of jihad, includes various depictions of well-known U.S. born Islamic extremists Omar Hammami and Adam Gadahn. The video additionally includes depiction of injured or deceased U.S. soldiers. The affiant knows that Omar Hammami is also known as Abu Mansoor Al-Amriki, an American citizen who is a member and leader of Somali Islamist group, al-Shabaab. Hammami may have been killed in September 2013. The affiant knows that Adam Gadahn is also known as Adam Yahye Gadahn; born Adam Pearlman; an American born citizen who is known as a senior operative and media advisor to al-Qaeda.
41. On 08/15/13, BASIT's facebook page contained another link to a propaganda style video. The video begins with depictions of violence on the streets of what appears to be Syria due to Syrian flags and subtitles to that effect. An audio chant is overlaid and subtitles are included which include praise for those who stand for Allah. Depictions of various *mujahideen* in battle scenes and military training are displayed. Depictions of U.S. Presidents to include Ronald Reagan, Bill Clinton, George Bush Sr., George W. Bush, and Barack Obama

are then displayed while the subtitles state, "And punish the hypocrites if he wills or accepts their repentance."

42. On 08/16/2013, BASIT posted a YouTube video titled "Jihad in Syria Today - Why is this jihad going on? Why Jabhat al Nusra fighting jihad in Sham?" A review of the associated video discloses a young man wearing a turban and a pistol holstered on his chest. Posing next to the man is an Ak-47 style rifle as well as a black flag of jihad. The individual speaks directly to the camera and provides his name and states that he was formerly a student in Egypt living a comfortable life. He goes on to call others to jihad in *sham* (which your Affiant knows to be Arabic for Syria). He goes on to claim that the whole religion of Islam is *jihad* and claims that men are needed to join the fight more than weapons and money. After calling others to come fight, he directs his attention to "the *kuffar*," to whom he notes that no mercy will be provided and "We will do jihad day and night, we will blow up your cars, vehicles, and buildings." The affiant knows that *kuffar* is the plural of *kafir* which is a non-Muslim or an unbeliever or disbeliever or infidel; variations include *kufaar*, *kufr*.
43. On 8/20/13, BASIT posted a link to a propaganda style video. The video is narrated by Anwar al-Aulaqi with subtitles. Your affiant is aware that Anwar al-Aulaqi is a well known radical Islamic extremist, based in Yemen, who was killed in a U.S. drone strike in 2011. The video includes depictions of *mujahideen* in various battle scenes. At other points the video includes depictions of President George W. Bush as well as President Barack Obama. The narrator, Anwar al-Aulaqi, states that "the West" and Christianity has set itself up similar to the Romans as the enemies of Islam.
44. On 08/26/2013, BASIT posted a photograph of masked soldiers standing in a row with rifles. BASIT commented above the photograph, "America's main targets in Syria # ISIS, Jabhat Al-Nusrah, and Ahrar Al-Sham."
45. On 08/27/2013, BASIT posted a link to a YouTube video titled "Jabhat Al-Nusra Mujahideen in Syria Capture Artillery Base." The subtitle of the video notes, "Jabhat Al-Nusra (Al-Nusra Front) has been labeled as a 'Terrorist Organization' by USA"

The video itself depicts a convoy of trucks, cars, motorcycles, and a tank driving along a road in a desert terrain. Many of the vehicles have individuals in them who are waving ak-47 style rifles and others who are waving what appear to be the black flag of jihad. Above the link to the video, BASIT posted, "InshalAllah, it means victory is near..."

46. On 08/28/13, BASIT posted a link to a propaganda style video. The video begins with a depiction of the middle-east with the black flag of jihad planted over it. An individual is then seen raising a flag to the subtitle "O Allah raise the flag of jihad!" The subtitles then include "grant us martyrdom for your sake." Mujahideen are then displayed conducting military style training. At one point a Chinook helicopter (commonly associated with U.S. military forces) is displayed and the subtitles state, "Allah we complain to you regarding the jews and christians." Additionally there is a depiction of the U.S. Capital Building being destroyed by an immense wave while the subtitles state, "O Allah! Deal with America and its helpers."
47. On 08/30/2013, BASIT re-posted a photograph from another Facebook page. This photograph was an image of a man lying dead on the ground. Another man with an assault rifle slung across his back is bending over to kiss the dead man on the head. BASIT typed above the photograph, "Shaheed (in sha Allah) Faris al Shamuri from Jabhat Al-Nusrah. May Allah have mercy on him and give him the highest in the Jannat Al-Firdoz amen! One of our amazing brothers who wasn't afraid to die." Your affiant is aware that *Shaheed* means a martyr; someone who dies in the way of Allah; variations include *shaheed*; *shadid* (plural: martyrs). Your affiant is aware that *Jannat Al-Firdoz* is likely referring to *Jannah al Firdaws* which is the highest level of paradise or heaven; paradise or heaven is the meaning of *jannah*. Your affiant knows that *In sha Allah* is an Arabic term meaning if God is willing or God Willing.

August of 2013 to present: BASIT's continued Facebook activity, and online communications with a confidential human source (CHS) and an online undercover employee (OCE)

48. During 2013, an FBI Confidential Human Source (CHS) used a Facebook page which promoted the ideology of Islamic extremism.
49. BASIT often provided comments to postings by the CHS and sought out a relationship with the CHS. The CHS maintained an online friendship with BASIT. During these discussions, BASIT stated his desire to leave the United States, his approval of the mujahideen, and his interests in Syria.
50. On 08/30/2013, BASIT had a discussion with the CHS using the Facebook private messaging function. BASIT noted that he was intending to travel to Syria and that he had a job "with a brigade in logistics, managing medical supplies." BASIT stated that if he dies on the mountain, then he is shaheed. In this context, BASIT also affirmed that many lives have been sacrificed and turning back was not an option. Finally, BASIT stated that he believed he was going to be with the Ahrar ash-Sham group. Your affiant is aware that Ahrar ash-Sham is a coalition brigade made up of Islamist and Salafist units fighting against the current Syrian regime led by Bashar al-Assad.
51. On 09/04/2013, BASIT communicated with the CHS via Facebook private messaging, and explained to the CHS that he was making efforts to establish contact with individuals overseas in order to assist him in getting to Syria.
52. On or about 09/05/2013, BASIT booked a one-way flight for 09/06/13 from Raleigh, NC (RDU) to New York, NY (JFK) to Istanbul, Turkey (IST). The following day however, BASIT did not show up at the airport for his flight.
53. On 09/06/2013, BASIT again communicated with the CHS via Facebook private messaging. BASIT stated he had bought a ticket but did not travel because he could not contact his friend in Turkey. He also stated that he could not muster the strength to leave his parents, but that he still intended to leave and he had only postponed the trip. He noted that

he was not giving up and that he had received a full refund on his ticket.

54. On 09/11/2013, BASIT informed the CHS via Facebook private messaging that he had traveled to Turkey the prior year (October through November of 2012) to help his Syrian brother's suffering. BASIT complained that he had ended up with some "so-called FSA" (Free Syrian Army) who were only interested in money. BASIT stated that this had disheartened him and so he left. BASIT stated he would return to Syria if he knew the brothers were true because he didn't know who to trust right now and every group had its own agenda.
55. On 09/12/2013, BASIT re-posted a statement on his Facebook page which came from another person's Facebook page. The statement read "Regarding US plan strikes in Syria: jabhat al-Nusra Senior Sheikh Abu Marya said the one who kill muslims in Yemen, Iraq and Afghanistan will not save them in Syria." BASIT then posted a statement of his own in response: "Ya Kuffar they are awaiting your arrival."
56. On 09/17/2013, BASIT communicated with the CHS using Facebook private messaging. BASIT claimed to have FSA friends and he had learned that they are against the ISIS and are plotting and planning to kill the foreign mujahideen. BASIT recognized that these FSA were not bad people, but they were too nationalistic and would ultimately just be ridding the country of the current president only to replace him with someone identical. BASIT felt there was a need to get rid of what he believed to be "nationalistic brainwashing." BASIT desired for others from around the world to travel to Syria and to support the *khilafah* with their money. BASIT stated that he (BASIT) was not too old to come to Syria, that he still exercised, and that he was still in good physical condition. BASIT stated that everyone should want to die a martyr like he wanted. The affiant knows that *khilafah* is the idea of an Islamic state governed by *Sharia* or Islamic law.
57. On 09/18/2013, BASIT posted a link from another Facebook page. The link was titled, "Yes, we can: Obama waives anti-terrorism provisions to arm Syrian rebels." Your Affiant reviewed the article which describes President Barack Obama's

order for a waiver of the Arms Export Control Act (AECA) in relation to supplying chemical weapons related assistance to select vetted members of Syrian opposition forces. This announcement came after a United Nations report which confirmed that sarin gas had recently been used in Syria. The AECA forbids providing munitions and other assistance to countries that support acts of terrorism. Commenting on this article, BASIT posted that, "More than a half of the forces fighting to topple President Bashar Assad government are jihadists. The US explicitly listed Al-Nusra Front, a powerful Al-Qaeda-linked part of the Syrian opposition, as a terrorist organization."

58. On 09/19/2013, BASIT posted a link to a video titled in a foreign language. Above this link, BASIT commented by stating, "Martyrdom operation..Ma'lola village..By jabhat al nusra :)." The video displays preparation and planning of an attack, the attack and then of the attack itself. The attack consisted of a vehicle entering a checkpoint and blowing up.
59. On 09/24/2013, BASIT communicated with the CHS using Facebook private messaging. BASIT commented on "some brothers" in the United Kingdom who were arrested for promoting the *khilafah*. BASIT asked the CHS which city in Syria BASIT should travel to - Aleppo or Raqqah. BASIT noted he needed someone to pick him up from "Antep" (which your Affiant believes to be reference to Gaziantep, Turkey). BASIT stated that he did not want to help the FSA. BASIT stated that he needed to leave soon because he had a feeling that a global clamp down was coming very soon and all *khilafah* Muslims would be in re-education camps or concentration camps. BASIT complained that 30 to 35 year old men were afraid to go to *ji*had. He stated that he was ashamed by this, but that he was not afraid. BASIT stated he would not feel good about himself and would continue to feel like a hypocrite until he went on *ji*had because he feels that he is not doing enough and the luxuries and comfort here weaken his intentions.
60. On 09/25/2013, BASIT again had an online conversation with the CHS using Facebook private messaging. In reference to BASIT's stated desire to travel to Syria, the CHS provided BASIT with the contact information of a brother who could

help. The CHS described this person as a "trusted brother with JAN" (Jabhat al-Nusrah) who spoke English well. The CHS informed BASIT that he could email this brother to make first contact. The contact information which the CHS provided included an email address and a Skype account. In actuality, this "trusted brother" was an FBI Online Covert Employee (OCE).

61. On 09/27/2013, BASIT participated in an online conversation with the CHS through Facebook private messaging. BASIT informed the CHS that he had emailed the OCE and was waiting for his reply.
62. Records from Skype disclose that account "Seychelles17" was created on 3/6/2010 with email address basitjaved@hotmail.com from an IP address that resolved to Earthlink in Cary, NC. The FBI believes that BASIT is the user of Skype account Seychelles17. As noted previously, within BASIT's immigration file, BASIT stated that he lived in the country of Seychelles from March 1992 through December 2000.
63. On 09/27/2013, BASIT engaged in an online conversation with the OCE using Skype chat. BASIT stated that he planned on traveling soon to help the brothers and sisters in As-Shaam but he needed a place to stay. The OCE replied that the route from Turkey has become very difficult but there are other ways to go. BASIT referenced routes he believed to still be open from Turkey into Syria. The OCE informed BASIT that the OCE needed to know what BASIT wanted if the OCE was going to be able to help him. BASIT stated that he wanted to "help the mujahideen, I want to help in any way I can."
64. During the same online conversation, the OCE explained that he was not associated with FSA. BASIT replied that he knew who the FSA were and that they were only concerned with getting rid of Bashar al-Assad. BASIT stated that he stood for the *khilafah*. The OCE stated that the FSA want democracy like the *kuffar*. BASIT agreed and commented that they had been conditioned to have democracy by the "taghoot." Your affiant knows taghoot to be an Arabic term referencing those who worship something other than Allah (i.e., God).

65. The conversation continued and the OCE asked BASIT if he had heard of Jabhat al-Nusrah. BASIT responded that they were the most disciplined group fighting Bashar al-Assad. The OCE asked BASIT how he wanted to help. BASIT replied, "logistics, media, fight too, God willing." BASIT then informed the OCE that his real name was "Abdul Basit," but that on his documents it was "Basit Sheikh." The OCE stated they needed men to fight or help with medical treatment, weapons, or money and then asked if BASIT wanted to be trained to fight. BASIT responded that he did. They then discussed some training to be provided in using weapons and how there is little time for the training due to the fighting taking place. The OCE told BASIT that he could help get him inside with al-Jabhat, and warned him that he needed to understand how difficult it was for the brothers and how BASIT could get shahada (martyrdom). BASIT stated that he did not want to be one of the brothers who kept sitting at home and that he wanted to be a "green bird." Your affiant is aware that some believe the Islamic prophet Muhammad made a statement relating martyr to green birds. BASIT stated that he believed he could obtain the money to travel and that he hoped to travel within two weeks.
66. On 09/27/2013, BASIT communicated with the CHS using Facebook private messaging. BASIT confirmed that he had communicated with the OCE, but that he could not share the details with anyone.
67. On 10/01/2013, BASIT again communicated with the CHS using Facebook private messaging. BASIT noted that he had not heard back from the OCE. The CHS replied that BASIT must be anxious to which BASIT replied, "heck yeah."
68. On 10/02/2013, BASIT had an online conversation with the OCE again using Skype chat. The OCE claimed to have been in contact with another brother who travels back and forth to the U.S. and helps with bringing money. The OCE stated that this brother could bring BASIT and then once in place, BASIT would receive two to four weeks of training before crossing over with other brothers. The OCE stated that BASIT would travel to Beirut, Lebanon and then train in northern Lebanon before crossing into Syria. In response, BASIT provided his

name and phone number (919) 274-1231 for the OCE to pass to this brother. BASIT stated that he was working to improve his physical condition.

69. This conversation continued and BASIT noted that he would likely only have around \$500 to \$1,000 on arrival overseas. The OCE stated that he could help with expenses on arrival, and that BASIT just needed to get the plane ticket. The OCE stated that BASIT should bring good strong shoes like metal toe shoes and a good backpack. BASIT replied that he had work boots and a sleeping bag and he would buy a back pack. They agreed that three to four weeks was a good schedule. BASIT then expressed concern that he may be monitored and did not want to get the incoming brother in trouble, so they would use a codeword to avoid a trap. The OCE stated that it was the OCE's role to find men, train them, get weapons, and send them in. BASIT asked if he could work for logistics, getting supplies to the front lines, after getting training or if he would go to active combat. The OCE replied that they rely on the Syrians to move supplies because they speak the language and can avoid traps. They discussed other logistics for travel and BASIT stated that he thought the plane ticket would cost \$1,200 and he would check on dates. BASIT noted that he would try to sell his car. BASIT additionally sent the OCE a photograph of himself.
70. On 10/04/2013, BASIT used Skype chat to communicate with the OCE. BASIT stated that he had checked on a plane ticket and that it would cost \$850 one way to Beirut for October 17-18. BASIT sent the OCE a link to the website Expedia which BASIT had used to search for the ticket. They then discussed ways to avoid being suspicious during travel and logistics of the travel. The OCE informed BASIT that once BASIT picked a date, the rest would be easy. The OCE inquired whether BASIT had any hesitation because BASIT should be sure he wants to join the brothers. BASIT replied that he was sure. The OCE again confirmed that BASIT would be joining the Jabhat al-Nusra group.
71. On 10/06/2013 and 10/07/2013, BASIT communicated with the OCE via Skype chat. BASIT claimed that he was making plans to travel before Eid, but he was having trouble arranging the

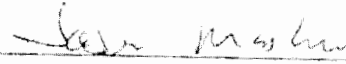
money. Your Affiant knows that Eid al-Adha is an Islamic holiday celebrated on 10/15/2013.

72. On 10/08/2013, BASIT used Facebook private messaging to communicate with the OCE. BASIT stated that he did not have the money to come over but that he would be talking with the OCE later that day. BASIT stated he wanted to be one of those men who makes hijra for the sake of Allah in *dul hijj* and does not come back. At one point, BASIT again stated that he wanted to be a "green bird." The affiant knows that *hijra* means migration or journey or travel and *dul hijj* is likely referring to Dhu al-Hijjah which is the twelfth and final month of the Islamic calendar; also the sacred month marking the end of the year.
73. On 10/08/2013, BASIT used Skype audio to engage in a verbal conversation with the OCE. BASIT informed the OCE that he had not been able to arrange the funds because he had not been able to sell his car yet. The OCE asked BASIT if his sister could still give him the money like BASIT stated she had previously done, and then when BASIT was overseas he could repay his sister by sending her money. BASIT stated that his sister did not have the funds this time. They then discussed other ways to fund the travel. At one point, the OCE told BASIT that BASIT makes the OCE nervous because BASIT keeps changing his mind about the OCE buying the ticket or BASIT buying the ticket. BASIT apologized and stated that he was going to buy his own ticket but he was not able to get the money. The OCE stated that the OCE was nervous because BASIT could be an American person trying to catch the OCE. BASIT responded that he felt the same way about the OCE possibly being an American informant trying to catch him. BASIT stated the OCE did not have to worry about him, and that he was going to come soon but if the OCE could wait then he could still work on it and arrange the money and buy it himself. BASIT told the OCE to not be nervous, and to give him some time to see if he can work it out.
74. On 10/17/2013, BASIT communicated with the OCE via Skype chat. BASIT stated he thought that he could get the ticket but wanted to know how to meet up with the OCE once he arrived in Lebanon. The OCE stated that it sounded like

BASIT was not sure about this, that it was serious, and that "you don't have to do it." BASIT responded, "I'm serious akhi...Wallahi!!!" Your affiant is aware that akhi is an Arabic term meaning brother and wallahi is an Arabic term generally meaning "I swear to God." The OCE went on to state that "fighting is not for everyone and Jabhat is a serious thing...if you are scared and don't want to then make jihad in other ways...dawah...get money and send..." BASIT replied, "I'm serious Akhi...I'm not scared...Im [sic] have though it out...I'm ready." The OCE asked BASIT, "why you want to do this akhi?" to which BASIT responded, "For the Sake of Allah...My Allah Alone...Green Bird." BASIT again affirmed his intent to obtain a ticket and they agreed to talk again in a week. The affiant knows that dawa means the calling of others to join Islam.


75. On 11/01/2013, BASIT confirmed with the CHS via Facebook chat that he had purchased a ticket for travel to Lebanon, departing RDU Airport on 11/02/2013.
76. On 11/02/2013, BASIT traveled to RDU Airport. At the ticket counter, he provided his identification documents and obtained a copy of a ticket for travel by air with a final destination of Lebanon. The first leg of his itinerary included travel to Canada, the second leg included travel on to Turkey. He then proceeded to check in one bag as luggage. Afterwards, he traveled to the security check point in which he went through both initial and secondary screening and was granted permission to go to his gate of departure. However at that point, he was approached by law enforcement and escorted to another area for questioning.

77. As such, your Affiant respectfully asserts that probable cause exists to support the present Complaint and Arrest Warrant for BASIT JAVED SHEIKH in relation to a violation of 18 U.S.C. §2339B.



JASON MASLOW
Special Agent
Federal Bureau of Investigation

In accordance with Rule of Criminal Procedure 4.1(b)(3)(A) Special Agent Jason Maslow as the affiant has been placed under oath and attested to the above facts by telephone this 2nd day of November, 2013.



ROBERT JONES
United States Magistrate Judge
Eastern District of North Carolina
Wilmington, North Carolina